

### **REMARKS**

The Examiner is thanked for the thorough consideration given the present application.

Claims 1-17 are pending in the present application. Claim 1 has been amended.

Reconsideration of the application, as amended, is respectfully requested.

### **Drawings**

It is gratefully acknowledged that the Official Draftsperson has approved the Formal Drawings submitted by the Applicant. The drawings comply with the requirements of the USPTO. No further action is necessary.

### **Information Disclosure Statement**

The Examiner has acknowledged the Information Disclosure Statement filed on June 20, 2006. An initialed copy of the PTO-SB-08 has been received from the Examiner. No further action is necessary at this time.

### **Claim Rejections – 35 U.S.C. § 102(e)**

Claims 1-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Johansson et al. (U.S. Patent 6,947,394 - hereinafter “Johansson”). This rejection is respectfully traversed.

As will be seen by the above amendments, claim 1 has been amended to clarify the claimed method. Claim 1 now recites a method for “determining a need of an updated status report by a receiver in a communications system.” Support for this amendment can be found

throughout the present specification, and specifically in paragraph [0037]. In addition, claim 1 has also been amended to specify that the receiver performs the steps of the method. Support for this amendment can be found in the present specification at paragraph [0034] and in Figure 6. No new matter has been added.

Regarding claim 1, Johansson mentions detecting if no status report is received (see Col. 4, line 38). However, Johansson teaches that this lost status report is detected with the poll timer by the **transmitter**. In contrast, claim 1, as amended, specifies detecting a lost status report or determining a need of an updated status report by a **receiver**. The technique in Johansson believed to be relevant to the claimed invention is the EPC scheme (see Col. 5, lines 43-56 of Johansson), rather than the poll timer scheme (see Col. 4, lines 35-40 of Johansson). Accordingly, this feature of present claim 1 is neither taught nor suggested by Johansson.

In addition, Johansson also fails to teach initiating a round trip timer at the receiver. Instead, Johansson teaches that the poll timer starts at the transmitter (see Col. 4, lines 37-38).

Furthermore, the Examiner has cited column 4, line 38 of Johansson for teaching expiration of the timer. However, the poll timer of Johansson runs at the transmitter. Accordingly, this timer is not relevant to the claimed feature of the timer running at the receiver. Instead, as indicated above, it is believed that the only teaching of Johansson that is relevant to this feature is the EPC timer (see Col. 5, lines 51-52 of Johansson).

Another important difference between the features of present claim 1 and Johansson is that of “receiving a predetermined AMD PDU before all negatively acknowledged AMD PDUs identified in the first status report are received at the receiver”. The Examiner alleges that

Johansson teaches, at column 6, lines 24-26, that the receiving side detects missing AM PDUs and sends a status report to the transmitting side. It is true that Johansson discloses a status report triggering scheme called Detection of missing PDU(s), i.e., if the receiving side detects missing AM PDUs, the receiving side transmits the status report immediately, except when the EPC counter is running (see Col. 6, lines 24-29 of Johansson). However, Johansson does not disclose how to detect missing AM PDUs in detail. The common understanding of missing PDU detection is that when an SN gap is detected among received AM PDUs, missing PDU(s) are detected. For example, when AM PDUs with SN = 0, 1, 2, 10, 11 are received, the receiver detects that AM PDUs with SN = 3-9 are missing so that a status report is triggered. This understanding only works for new transmissions and does not properly work for retransmissions. Also, Johansson does not disclose or even suggest how a retransmitted PDU can be detected as missing with the scheme of Detection of missing PDU(s), which is the reason Johansson relies on the EPC scheme to detect missing retransmissions or lost status reports (see Col. 5, lines 48-51 of Johansson), i.e., after detecting missing PDUs and sending S-PDU, Johansson sets the EPC equal to the number of requested PDUs. As disclosed by Johansson at column 5, lines 45-55, there are two stages in the EPC scheme, i.e., the first stage begins when the EPC timer is started and ends when the EPC timer expires, and the second stage is counting down the EPC counter for each transmission time interval with the estimated number of PDUs that should have been transmitted during that interval. Accordingly, the EPC scheme does not work well because the estimated number of PDUs that should have been transmitted during that interval is hard to

“estimate”. This disadvantage of the EPC scheme is set forth in paragraph [0015] of the instant application.

Claim 1 also consists of two stages, i.e., the first stage beginning when the roundtrip timer starts and ending when the roundtrip timer expires; and in the second stage checking if a predetermined AMD PDU is received before all negatively acknowledged AMD PDUs are received. Therefore, stage 1 of present claim 1 is similar to stage 1 of the EPC scheme disclosed in Johansson. However, **stage 2 of present claim 1 is different from stage 2 of the EPC scheme in Johansson and is not disclosed or suggested by the Detection of missing PDU(s) or any other schemes disclosed in Johansson. Therefore, present claim 1 is believed to be patentable over Johansson.**

Accordingly, since Johansson fails to teach all of the limitations of present claim 1, Applicant respectfully submits that claim 1 is patentable over the cited prior art. Furthermore, since claims 2-17 depend, directly or indirectly, from claim 1, these claims should also be allowable at least for the same reasons set forth above in connection with claim 1.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-17 are therefore respectfully requested.

#### Conclusion

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance, and an early Notice of Allowance is earnestly solicited.

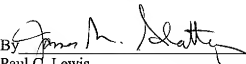
Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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